

# IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

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## COMPLETE TITLE OF CASE

STATE OF MISSOURI,

Respondent,

v.

CASSI DANIELLE LICATA,

Appellant.

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**DOCKET NUMBER WD77812**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** June 21, 2016

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## APPEAL FROM

The Circuit Court of Ray County, Missouri  
The Honorable Kevin L. Walden, Judge

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## JUDGES

Division Four: Ahuja, C.J., and Pfeiffer and Mitchell, JJ.

CONCURRING.

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## ATTORNEYS

Chris Koster, Attorney General  
Gregory L. Barnes, Assistant Attorney General  
Jefferson City, MO

Attorneys for Respondent,

Kent Denzel, Assistant Public Defender  
Columbia, MO

Attorney for Appellant.

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## MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

STATE OF MISSOURI, )  
)  
Respondent, )  
v. ) **OPINION FILED:**  
) **June 21, 2016**  
CASSI DANIELLE LICATA, )  
)  
Appellant. )

**WD77812**

**Ray County**

**Before Division Four Judges:** Alok Ahuja, Chief Judge, Presiding, and Mark D. Pfeiffer and Karen King Mitchell, Judges

Cassi Licata appeals, following a jury trial, her conviction of the class D felony of interference with custody, § 565.150, for which she was sentenced to nine months in the Ray County jail. Licata argues that the evidence was insufficient to support her conviction.

**AFFIRMED.**

**Division Four holds:**

1. Failure to deliver a child to a person entitled to custody of the child constitutes a “taking” of the child for purposes of the crime of interference with custody.
2. Evidence that the defendant’s attorney knew of an order granting Father legal custody, coupled with defendant’s actions of fleeing with Child for the purpose of keeping herself and Child hidden when she knew an adverse custody ruling was imminent, and, after the ruling was issued, leaving the state and attempting to get to a Native American reservation where she would be beyond the reach of the courts, was sufficient to support the reasonable inference that the defendant knew of the order granting Father legal custody of Child.

3. Counsel's statement in closing argument that the defendant's purpose in fleeing with Child was to go into hiding from Father constituted a judicial admission that could be used by the jury in determining whether the State met its burden of proof.
4. In order for interference with custody to constitute a felony, the defendant must remove the child from the state, but it is not necessary that the removal to another state occur simultaneously with the actual interference.

**Opinion by: Karen King Mitchell, Judge**

June 21, 2016

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THIS SUMMARY IS **UNOFFICIAL** AND SHOULD NOT BE QUOTED OR CITED.